

## **REMARKS**

Claims 1-9 are now pending in the application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1, 3, 6, and 7-9 stand rejected under 35 U.S.C. § 112 because of certain informalities. This rejection is respectfully traversed.

Claims 1 and 3 of the present invention are characterized by that “a user of the music data receiving apparatus (client terminal) can designate whether conversion of the music data in a musical performance data format into music data in an audio data format is executed on the music data providing apparatus (server) or on the music data receiving apparatus (client terminal),” and “the music data providing apparatus (server) converts music data from a musical performance event data format into an audio data format when the conversion has been designated to be executed on the server.”

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kikuchi (U.S. Pat. No. 6,143,973). This rejection is respectfully traversed.

The cited reference Kikuchi discloses providing musical performance data (MIDI data) generated by musical performance of a performer and audio data obtained by a microphone to a home computer via the Internet and reproducing the provided

performance data and audio data on the home computer at a real time basis. However, Kikuchi fails to disclose the above-described features of the claims 1 and 3 of the present invention. Therefore, claims 1 and 3 of the present invention are patentable over the cited reference Kikuchi.

Claim 5 of the present invention is characterized by a client terminal (a music data receiving apparatus) temporarily stores a music data in a musical performance event data format into a temporary storage device, converts the stored music data into music data in an audio data format, stores the converted music data into a storage device and thereafter automatically deletes the received data from the temporary storage device.

The cited reference Kikuchi is characterized by reproducing MIDI data and audio data provided via the Internet at a real time basis, and the above-described feature of claim 5 of the present invention is not disclosed or mentioned in Kikuchi. Therefore, claim 5 of the present invention is also patentable over the cited reference Kikuchi.

***Regarding new claims 10 and 12***

The newly drafted claims 10 and 12 are characterized by the music data receiving apparatus selects desired music (song) by using a screen for selecting music, and the music data providing apparatus converts music data corresponding to the selected desired music in a music performance event data format into music data in an audio data format and transmits the converted music data to the music data receiving apparatus.

However, because Kikuchi is characterized by reproducing MIDI data and audio data provided via the Internet at a real time basis on a receiver side, it fails to disclose

selecting the desired music by the music selection screen and converting the selected music from music data in a music performance event data format into music data in an audio data format on a server side.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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